

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CORBIS CORPORATION,	:	
	:	Case No. 07-CV 6294 (DLC)
Plaintiff,	:	
	:	
-against-	:	
	:	<b>ANSWER OF DEFENDANT NIIT (USA),</b>
NIIT LIMITED, an Indian corporation, and	:	<b>INC.</b>
NIIT (USA), INC., a Georgia corporation	:	
	:	
Defendant.	:	
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Defendant NIIT (USA), Inc. ("Defendant"), by its undersigned counsel, for its answer to to Plaintiff's Complaint, hereby responds as follows:

As to the specific numbered paragraphs of Plaintiff's Complaint, Defendant responds as follows:

1.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 1 of Plaintiff's Complaint. Defendant admits that six images that appear to be from the Corbis collection were used by NIIT, Limited on NIIT, Limited's website. Defendant denies the remaining allegations in this paragraph.

2.

Defendant admits the allegations contained in the first two sentences of paragraph 2 of Plaintiff's Complaint. Defendant denies the remaining allegations contained in this paragraph.

3.

Defendant denies the allegations contained in paragraph 3 of Plaintiff's Complaint.

4.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 4 of Plaintiff's Complaint.

5.

Defendant admits the allegations contained in the first two sentences of paragraph 5 of Plaintiff's Complaint except that Defendant denies that NIIT, Limited solicits and conducts business "through" its subsidiaries. Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in the last sentence of this paragraph.

6.

Defendant admits the allegations contained in paragraph 6 of Plaintiff's Complaint.

7.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 7 of Plaintiff's Complaint.

8.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 5 of Plaintiff's Complaint.

9.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 9 of Plaintiff's Complaint.

10.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 10 of Plaintiff's Complaint.

11.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 11 of Plaintiff's Complaint.

12.

Defendant admits that NIIT, Limited owns, operates and maintains, the referenced website. Defendant denies the remaining allegations in this paragraph are denied.

13.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 13 of Plaintiff's Complaint.

14.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 14 of Plaintiff's Complaint.

15.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 15 of Plaintiff's Complaint.

16.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 16 of Plaintiff's Complaint.

17.

Defendant states that the Exhibit A attached appears to be a sample with screen shots taken from NIIT Limited's website. Defendant is without knowledge sufficient to form a belief

as to the truth or falsehood of the remainder of the allegations contained in paragraph 17 of Plaintiff's Complaint.

18.

Defendant admits that a chart appearing to list U.S. Copyright registration certificate numbers and registration dates appears to be attached the Complaint as to Exhibit B. Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the remainder of the allegations contained in paragraph 18 of Plaintiff's Complaint.

19.

Defendant repeats and realleges the responses contained in paragraphs 1 through 18 above as though set forth fully herein.

20.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 20 of Plaintiff's Complaint.

21.

Defendant denies the allegations contained in paragraph 21 of Plaintiff's Complaint.

22.

Defendant denies the allegations contained in paragraph 22 of Plaintiff's Complaint.

23.

Defendant denies the allegations contained in paragraph 23 of Plaintiff's Complaint.

24.

Defendant denies the allegations contained in paragraph 24 of Plaintiff's Complaint.

25.

Defendant repeats and realleges the allegations of paragraphs 1 through 24 above as though set forth fully herein.

26.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 26 of Plaintiff's Complaint.

27.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 27 of Plaintiff's Complaint.

28.

Defendant is without knowledge sufficient to form a belief as to the truth or falsehood of the allegations contained in paragraph 28 of Plaintiff's Complaint.

29.

Defendant denies the allegations contained in paragraph 29 of Plaintiff's Complaint.

30.

Defendant denies the allegations contained in paragraph 30 of Plaintiff's Complaint.

31.

Defendant denies the allegations contained in paragraph 31 of Plaintiff's Complaint.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

This Court does not have personal jurisdiction over the Defendant.

### **Second Affirmative Defense**

Venue is improper in this judicial district.

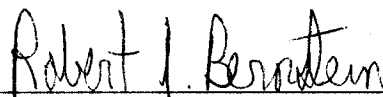
**Third Affirmative Defense**

Injunctive relief is not appropriate in this matter because Plaintiff has licensed the images at issue to Defendant.

WHEREFORE, Defendant prays that Plaintiff take nothing by its Complaint and this Court award Defendant such other and further relief as it deems just and proper, including without limitation its costs and attorneys' fees in defending this action.

Respectfully submitted,

THE LAW OFFICE OF ROBERT J. BERNSTEIN



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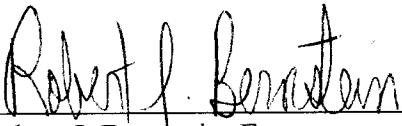
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NIIT LIMITED, an Indian corporation, and :  
NIIT (USA), INC., a Georgia corporation : **CERTIFICATE OF SERVICE**  
 :  
Defendant. :  
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I hereby certify that I have this day served on counsel and parties of record the **ANSWER OF DEFENDANT NIIT (USA), INC.** by depositing a copy of the same in the United States mail in a properly-addressed envelope with adequate postage affixed thereto, as follows:

Kathryn J. Fritz, Esq.  
Fenwick & West LLP  
555 California Street  
12<sup>th</sup> Floor  
San Francisco, CA 94104

Dated: New York, New York  
August 16, 2007

  
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Robert J. Bernstein, Esq.